IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

R.P. (FC).No. 59 of 2007()

AGAINST THE ORDER DATED 23/02/2006 IN CMP.NO.272/2005 IN MC.464/2003 of FAMILY COURT, KOLLAM

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REVISION PETITIONER/PETITIONER

ULLASANAN, S/O.JANARDHANAN, KOCHUVILA PUTHEN VEETIL, ALANCHERRY P.O., MUTHALAT, EROOR, ANCHAL, KOTTARAKKARA, REP. BY HIS POWER OF ATTORNEY HOLDER, USHA S.BABU, W/O.B.SURESH BABU, AGED 40 YEARS, RESIDING AT NITHEESH BHAVANAM, NAITHODU, POOYAPPALLY P.O.

BY ADV. SRI.R.SATISH KUMAR

RESPONDENTS: COUNTER PETITIONER
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1. AMBILI, D/O. THANKAM, KODIYIL VEETIL, VELAMANNOOR CHERRY, KALLUVATHUKKAL, KOLLAM.

2. ABHINAND, S/O. ULLASANAN, AGED 8 YEARS (MINOR), REPRESENTED BY HIS MOTHER AND NATURAL GUARDIAN AMBILI, -DO- -DO-

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)
SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P. (FC) NO. 59 OF 2007

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Dated this the 21st day of February 2007

O R D E R

The revision petitioner has sought for setting aside the order of the appellate court dismissing the appeal filed as the conditional order was not complied with. It is submitted that he had sent the money to be deposited to comply with the interim order to his brother. But his brother did not remit the amount. Right now, he is ready to remit the amount and to comply with the condition in the order.

In the circumstances, the order of the court below is set aside on condition that the petitioner deposits the entire arrears due as on today within three weeks from today and continue to deposit the amount as ordered by the trial court. On payment of the amount as above, the Family Court shall consider the application to set aside the exparte decree and dispose of the same on merits.

The R.P.(FC) is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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